

AUG 09 2004

PATENT &amp; TRADEMARK

<b>Mail Stop RCE</b>  <b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>	Application Number	09/624,869
	Filing Date	August 8, 2001
	Inventor(s)	SCARBERRY
	Conf. No.	2885
	Group Art Unit	3764
	Examiner	Pham, H.
Express Mail Label No.: EL 997387426 US	Attorney Docket No.	99-31

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

# 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the Amendment(s)/Response under 37 C.F.R. § 1.116 previously filed on June 8, 2004  
(Any unentered Amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other: \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply;
- ii. ☐ Affidavit(s)/Declaration(s);
- iii. ☐ Information Disclosure Statement (IDS); and/or
- iv. ☐ Other: \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other: \_\_\_\_\_

## 3. Petition For Extension of Time

A Petition to Extend the life of the present application to at least to the date hereof:

- a. ☐ is not necessary.
- b. ☐ was previously filed on \_\_\_\_\_.
- c. ☒ is being concurrently filed in this application. (The fee for this petition is itemized below)

## 4. Fees (Fee Transmittal Form is attached - in duplicate)

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 50-0558.
- i. ☒ RCE fee of \$770.00 required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee of \$420.00 required under 37 C.F.R. §§ 1.136 and 1.17
- iii. ☐ Other: \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed, check no. \_\_\_\_\_

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA. 15668
Signature	<i>Michael W. Haas</i>
Date	August 9, 2004

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>August 9, 2004</u> . Express Mail Label No. <u>EL 997387426 US</u> .			
Typed Name	Michael W. Haas, Reg. No. 35,174		
Signature	<i>Michael W. Haas</i>	Date	August 9, 2004

08/11/2004 SS1TH1B1 00000107 500558 09924869

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770.00 DA

RI-184 (07/2004)

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*Michael W. Haas*

Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

AUG 09 2004

Mail Stop RCE

**TRANSMITTAL  
FORM**

(To be used for all correspondence after initial filing)

Application Number		09/924,869
Filing Date		August 8, 2001
Confirmation Number		2885
Inventor(s)		SCARBERRY
Group Art Unit		3764
Examiner		Pham, H.
Attorney Docket No.		99-31
Express Mail Label No.: EL 997387426 US		
Total Number of Pages in This Submission:	7	

**ENCLOSURES** (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (submit in duplicate)	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet
<input type="checkbox"/> Fee Attached \$ <input type="text"/>	<input type="checkbox"/> Cover Sheet	<input type="checkbox"/> After Allowance Communication to Group
Check No.: <input type="text"/>	<input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Request for Return of PTO-1449 Forms	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to the Commissioner	<input checked="" type="checkbox"/> Request for Continued Examination (RCE)
<input type="checkbox"/> Affidavits / Declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Request Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Address	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer(s)	<input type="checkbox"/> Request for Refund
<input type="checkbox"/> Form PTO-1449	<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Response to Missing Parts / Incomplete Application
<input type="checkbox"/> Cited References	<input checked="" type="checkbox"/> Certificate of Mailing by Express Mail	
<input type="checkbox"/> Search report		
<input type="checkbox"/> Drawing(s): Number of Pages _____ Number of Figs. _____ and cover sheet	<input type="checkbox"/> Other Enclosure(s): _____	
<input type="checkbox"/> Formal		
<input type="checkbox"/> Informal		

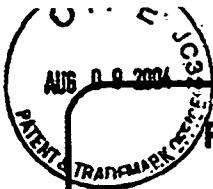
Current Due Date: August 9, 2004 (two months extended)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	<i>Michael W. Haas</i>
Date	August 9, 2004

**CERTIFICATE OF MAILING**

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Typed Name	Michael W. Haas, Reg. No. 35,174		
Signature	<i>Michael W. Haas</i>	Date	August 9, 2004

**FEE TRANSMITTAL**

(Effective 10/01/2003)

Application Number	09/924,869
Filing Date	August 8, 2001
First Named Inventor	SCARBERRY
Confirmation Number	2885
Group Art Unit	3764
Examiner's Name	Pham, H.
Attorney Docket No.	99-31

"Express Mail" Label No. EL 997387426 US

**TOTAL AMOUNT OF PAYMENT** \$ 1,190.00

METHOD OF PAYMENT		FEE CALCULATION (continued)			
<b>1.</b> <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <b>50-0558</b> Deposit Account Name: <b>Respironics, Inc.</b> <input checked="" type="checkbox"/> Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17, 1.19 and 1.20. <input type="checkbox"/> Charge the Issue Fee set forth in 37 C.F.R. § 1.18.		<b>3. ADDITIONAL FEES</b>			
<b>2.</b> <input type="checkbox"/> Payment Enclosed: Check (Check No. _____)					
<b>FEE CALCULATION (fees effective 10/01/2003)</b>					
<b>1. FILING FEE</b>					
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid		
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
<b>SUBTOTAL (1)</b>			<b>\$ 0.00</b>		
<b>2. CLAIMS</b>					
Total Claims	Extra Claims	Fee from Below	Fee Paid		
_____	_____ x	18 =			
Ind. Claims	_____ x	86 =			
Multiple Dependent Claims add		290 =			
* Enter Highest Number Previously Paid For _____					
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description			
1202 18	2202 9	Claims in excess of 20			
1201 86	2201 43	Independent claims in excess of 3			
1203 290	2203 145	Multiple dependent claim			
1204 86	2204 43	Reissue independent claims over original patent			
1205 18	2205 9	Reissue claims in excess of 20 and over original patent			
<b>SUBTOTAL (2)</b>			<b>\$ 0.00</b>		
		<b>3. ADDITIONAL FEES (continued)</b>			
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or declaration	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1811	100	1811	100	Certificate of Correction	
1812	2,520	1812	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for response within first month	
1252	420	2252	210	Extension for response within second month	420.00
1253	950	2253	475	Extension for response within third month	
1254	1,480	2254	740	Extension for response within fourth month	
1255	2,010	2255	1,005	Extension for response within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive unavoidably abandoned application	
1453	1,330	2453	665	Petition to revive unintentionally abandoned application	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1814	110	2814	55	Statutory Disclaimer	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1809	770	2809	385	Filing a submission after final rejection (37 C.F.R. § 1.129(a))	
1801	770	2801	385	Request for Continued Examination	770.00
Other Fee (specify) _____					
<b>SUBTOTAL (3)</b>					<b>\$ 1,190.00</b>

<b>SUBMITTED BY</b>			
Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature	<i>Michael W. Haas</i>	Date	August 9, 2004
		Deposit Account Number	50-0558